

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Public Servants – Cooperation Department – Disciplinary proceedings initiated against Sri T.V. Rama Rao, CSR for allegation of irregularities in misappropriation of funds in Bhavana Rushi Co-operative Housing Society Limited., Hyderabad - Convicted in C.C.No.489/98 – Imposing the punishment of withholding of full pension permanently with prospective effect – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.III) DEPARTMENT

G.O.Ms.No. 158

Dated:03.06.2010

Read the following:

1. Proceedings of CC&RCS Hyderabad No.88145/91-E6 dated 25.6.93 of the AR-I/Disciplinary Authority O/o RCS Hyderabad
2. From the APAT in O.A.No.3841/94
3. A.P.A.T.orders dated 28.7.1999 in O.A.,No.3841/94.
4. From the AP High Court in W.P. No.20854/99 filed by Sri T.V. Rama Rao
5. A.P.High Court orders dt.28.10.1999 in W.P.No.20854/99
6. From the GP, APAT orders dt. 11.09.01.
7. A.P.A.T. orders 21.8.2002 in O.A.No. 7719/2002.
8. G.O.Rt.No.1225 A&C (Vig.II) Dept., dt. 22.11.2002.
9. Govt. Memo No.3283/Vig.III/02-3 A&C (Vig.III) Dept., dt. 22.11.02.
10. Govt. Memo No.3283/Vig.III/02-3 A&C (Vig.III) Dept., dt. 07.10.03.
11. A.P.A.T. orders dt. 27.3.2006 in O.A.No.7821/2003 and 1273/2003
12. From Hon'ble A.P.High Court orders dt.19.8.2008 in W.P.Nos. 24187/2006 and 24447/2006
13. Orders of the Hon'ble IX Addl.Chief Metropolitan Magistrate Court, Hyderabad dt.30.3.2009 in CC No.489/1998
14. From the Government Pleader, APAT letter dated 04.08.09 and 18.08.09
15. G.O.Rt.No.1072 A&C (Vig.II) Dept., dt. 28.8.2009
16. From the G.P., APAT in Lr.No. C.A. 155/09/SDK/ Agriculture, D.11.9.09
17. Govt. Memo No.3283/Vig.III/02-35., dt. 24.9.2009
18. Govt. Memo No.3283/Vig.III/02-37, dt. 5.12.2009
19. Lr from Sri T.V. Rama Rao CSR,(Retd) , dt.22.12.2009 addressed to CC&RCS, Hyd

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**ORDER:**

In the reference 1<sup>st</sup> read above Sri T.V. Rama Rao, Cooperative Sub Registrar was dismissed from service by Commissioner for Cooperation & Register of Cooperative Societies, Hyderabad on the grave charges of misappropriation of funds of Bhavan Rishi Coop. Housing Society Limited., to a tune of Rs.16.85 lakhs by way of different means.

2. Aggrieved with the above dismissal orders, the individual has filed O.A.No.3841/94 in the APAT in the reference 2<sup>nd</sup> read above. In the reference 3<sup>rd</sup> read above, the Hon'ble APAT, in its orders dt.28-07-1999 dismissed the O.A. and upheld the orders of the Disciplinary Authority. In the reference 4<sup>th</sup> read above, the individual filed W.P.No.20854/1999 before the High Court requesting to set aside the dismissal orders as the case was not referred to the Tribunal for Disciplinary Proceedings. In the reference 5<sup>th</sup> read above, the High Court of AP in its order dt.28-10-1999 remanded the matter to the Hon'ble A.P.A.T. In the reference 6<sup>th</sup> read above, the APAT in its orders dt.11-09-2001 set aside the dismissal orders on the ground that the case was not referred to the Tribunal for Disciplinary Proceedings. When the matter was referred to the Tribunal for Disciplinary Proceedings, for enquiry and report, the Tribunal for Disciplinary Proceedings had returned the proposal and requested to take appropriate action in accordance with Rules on the ground that the individual was retired from service, and as such, the Tribunal has no jurisdiction under the provisions of APCS (DPT) Act, 1960 to entertain the case. Sri T. V. Rama Rao has filed another O.A. No. 7719/02 in APAT requesting to direct the respondents to release the entire terminal benefits and also for payment of provisional pension. In the reference 7<sup>th</sup> read above the Hon'ble APAT in its orders dt.21.08.02 directed the respondents to release the provisional pension within 2 months.

3. Government after careful examination of the matter, issued orders in the reference 8<sup>th</sup> read above, treating the period between the date of dismissal to the date of retirement i.e. from 25.6.1993 to 30.6.1993 as deemed to have been under suspension U/R 8 (4) of APCS (CCA) Rules, 1991. In the reference 9<sup>th</sup> read above, Government have requested the CC&RCS, Hyderabad to sanction the provisional pension to the individual and also to file a Petition in the District Court, Rangareddy District for attachment of properties under Criminal Law, following the procedure. In the reference 10<sup>th</sup> read above, the case was entrusted to Commissioner of Inquiries for conducting inquiry on the irregularities committed by Sri T.V. Rama Rao, CSR(Retired). Sri T.V.Rama Rao, has challenged the entrustment of his case to Commissioner of Inquiries by filing two O.As i.e. No.7821/2003 & 1273/2004 before the Hon'ble APAT. In the reference 11<sup>th</sup> read above, the Hon'ble APAT in the O.A. No. 7821/2003 and O.A.No.1273/2003 filed by Sri T. V. Rama Rao ordered as follows:-

*"..... All these OAs are accordingly allowed and the impugned Proceedings in Memo No.3283/Vig.II/3/2002-7 dt.7.10.2003, in O.A. No.1273/03 and the G.O.Rt.No.966 dt.7.8.2003 impugned in O.A.No. 6761/2003, are liable to be set aside and they are accordingly set aside. Any further consequential action taken by the respondents, in pursuance of the said Memo and G.O. is also therefore, not sustainable in the eye of Law. The respondents shall, consequently, release all the pensionary benefits, payable to the applicants, within a period of three months, from the date of receipt of a copy of this order".*

4. Mean while, in the reference 13<sup>th</sup> read above, in C.C.No.489/98 filed against the individual, the Hon'ble IX Addl. Chief Metropolitan Magistrate Court, Nampally in its judgment dt. 30-03-2009 passed the following orders.

*" In the result, accused (A2) is convicted U/s 248(2) Cr.PC and sentenced to RI for one year and pay a fine of Rs.1,000/- (Rupees one thousand only) for the offence U/s 406 IPC. In default of payment of fine SI for one month. Further he is convicted and sentences to RI for one year and pay a fine of Rs.1,000/- (Rupees One thousand only) for the offence U/s 420 IPC. In default of payment of fine SI for one month, Further he is convicted and sentenced to RI for one year and pay a fine of Rs.1,000/- (Rupees one thousand only) for the offence U/s 418 IPC. In default of payment of fine SI for one month. The total fine amount of Rs.3,000/- (Rupees three thousand only). The above sentences awarded shall run concurrently."*

5. In the reference 15<sup>th</sup> read above, released the Pension in full to Sri T.V. Rama Rao, CSR (Retd). But the terminal benefits such as leave salary and gratuity shall be with held against the recoveries that have to be made from him under Rule 46 (6) c (ii) & (iii) of APRP Rules, 1980

6. In the reference 17<sup>th</sup> read above, a show cause notice was issued to the accused officer under A.P. Revised Pension Rules, 1980, clearly indicating the quantum of penalty with a request to submit his representation if any with in 15 days from the date of receipt of the Memo.

7. Government have again examined the matter with reference to the letter of Government Pleader ., APAT in the reference 16<sup>th</sup> read above, released all the terminal pensionary benefits including gratuity in respect of Sri T.V. Rama Rao, CSR (Retd) vide reference 18<sup>th</sup> read above.

8. In the reference 19<sup>th</sup> read above, the accused Officer has acknowledged the receipt of the show cause notice. But he has not submitted his representation.

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9. The Government t after careful examination of the entire matter have decided to impose the penalty of withholding the pension in full permanently with prospective effect against Sri T.V. Rama Rao CSR (Retd.) as the IX Addl. Chief Metropolitan Magistrate, Hyderabad in C.C.No.489/98 , dt. 30.3.09 found him guilty and convicted. Accordingly the Government hereby order to impose the penalty of with holding the pension in full permanently with prospective effect against Sri T.V. Rama Rao CSR (Retd.) under Rule 8 (2) of the A.P. Revised Pension Rules, 1980.

10. The Commissioner for Cooperation& Registrar of Cooperative Societies, Hyderabad shall take necessary further action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

K.R.KISHORE  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri T V. Rama Rao , CSR, (Retd) through CC&RCS, Hyderabad.  
Copy to  
The Commissioner for Cooperation & Registrar of Cooperative Societies, Hyderabad  
The Secretary, APVC, Hyderabad (720/VCf.1(2)/2000)  
SF/SC.

//Forwarded:: By Order//

SECTION OFFICER